

January 12, 2005

The Organizational Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 12, 2005, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
CHARLES W. AHREND, Election District #2  
DEE E. FLOYD, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator  
G. CHRIS BROWN, County Attorney  
STEPHEN G. KING, Deputy County Administrator  
JAMES L. ALLMENDINGER, Director of Finance  
JENNIFER M. HOOVER, Director of Public Works  
FRANKLIN P. O'BYRNE, Director of Information Systems  
DIANA C. STULTZ, Zoning Administrator  
ROBERT A. SYMONS, Fire and Rescue Chief  
WILLIAM L. VAUGHN, Director of Community Development  
DOTTIE L. BOWEN, Deputy Clerk  
DONALD F. KOMARA, Resident Engineer  
Virginia Department of Transportation

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**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**INVOCATION.**

Administrator Paxton called the meeting to order at 3:00 p.m.

Public Works Director Hoover led the Pledge of Allegiance, and Supervisor Floyd gave the Invocation.

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**REORGANIZATION OF THE BOARD - 2005.**

**ELECTION OF CHAIRMAN.**

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD -

AYE; KYGER - AYE; the Board elected Pablo Cuevas as Chairman for 2005.

Thanking the Board for its confidence in him and noting that he looked forward to serving as Chairman for the Year 2005, Chairman Cuevas reviewed key projects and issues that the Board would have before it in the coming year.

#### ELECTION OF VICE-CHAIRMAN.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board elected Michael A. Breeden as Vice-Chairman for 2005.

#### SETTING OF DAY AND TIME OF REGULAR MEETINGS.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board set the 2005 meeting schedule as follows: the second Wednesday of each month at 3:00 p.m. and the fourth Wednesday of each month at 6:00 p.m., with the following exceptions: the first meeting in April, on April 13, 2005, which will include a public hearing on the proposed budget for FY 2005-06 will be held at Turner Ashby High School and will begin at 2:00 p.m. In addition, there will be only one meeting held in November on November 16 at 3:00 p.m. and one meeting in December on December 14 at 3:00 p.m.

The Board will continue the following policy that was established in 1995:

If a meeting cannot be held due to inclement weather or for any reason as determined by the Chairman, or the Vice-Chairman if the Chairman is not available, the meeting will be held at the scheduled time on the following Wednesday.

#### REVIEW OF COMMITTEE ASSIGNMENTS.

The Board received the following 2005 Chairman's Committee assignments.

#### **BOARD OF SUPERVISORS**

##### 2005 Chairman's Committee Appointments

#### **BUILDINGS AND GROUNDS:**

Charles Ahrend  
Dee Floyd

#### **RELATED LANDS (Federal):**

Mike Breeden  
Rhonda Henderson

#### **PUBLIC WORKS:**

Pablo Cuevas  
Mike Breeden

#### **REGIONAL JAIL COMMITTEE:**

(Policies, Programs,  
Etc.)  
Mike Breeden  
Dee Floyd

**AUTOMOBILE:**

William Kyger  
Dee Floyd

**CENTRAL SHENANDOAH  
PLANNING DISTRICT  
COMMISSION:**

William Kyger  
Dee Floyd

**AIRPORT:**

William G. O'Brien

**VACO LIAISON:**

William Kyger

**CITY-COUNTY LIAISON:**

Charles Ahrend  
Pablo Cuevas

**AUGUSTA/ROCKINGHAM**

**LIAISON COMMITTEE**

William Kyger  
Dee Floyd

**SCHOOL BOARD LIAISON:**

Pablo Cuevas  
Charles Ahrend

**VISITORS/CONVENTION  
BUREAU:**

Chuck Ahrend

**SOCIAL SERVICES:**

Mike Breeden

**FINANCE:**

Pablo Cuevas  
Mike Breeden

**ENVIRONMENTAL ISSUES:**

(TBA as appropriate)

**DATA PROCESSING ADVISORY:**

William Kyger

**TOWNS/COUNTY LIAISON:**

William Kyger  
Pablo Cuevas

**PERSONNEL-RELATED**

(Ad Hoc):  
Chairman  
Vice-Chairman

**CHAMBER OF COMMERCE:**

Charles Ahrend

**Rockingham Public Library**

Charles Ahrend

**HARRISONBURG/ROCKINGHAM CCJB**

Pablo Cuevas

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**PRESENTATION TO 2004 CHAIRMAN BY THE 2005 CHAIRMAN.**

Chairman Cuevas presented a plaque to 2004 Chairman Ahrend in recognition of his service and thanked him for his hard work and dedication over the past year.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Floyd, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of December 15, 2004.

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**TRANSPORTATION DEPARTMENT .**

The Board heard Mr. Komara's report on the activities of the Transportation Department.

On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-01.

**RESOLUTION NO. 05-01**

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Rockingham County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets described below meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the following streets, a total distance of 0.23 mile to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements:

Name of Subdivision: Timbercrest Section 2

Name of Street: Woodcreek Lane (Rte 1540) Length: 0.10 mile

Guaranteed right-of-way width: 50 feet.

Plat Recorded, Date: May 26, 2000 Deed Book: 1816 Page: 215

Name of Subdivision: Timbercrest Section 2

Name of Street: Clearwater Drive (Rte 1543) Length: 0.07 mile

Guaranteed right-of-way width: 50 feet.

Plat Recorded, Date: May 26, 2000 Deed Book: 1816 Page: 215

Name of Subdivision: Timbercrest Section 2

Name of Street: Melody Court (Rte 1544) Length: 0.03 mile

Guaranteed right-of-way width: 50 feet.

Plat Recorded, Date: May 26, 2000 Deed Book: 1816 Page: 215

Name of Subdivision: Timbercrest Section 2

Name of Street: Sunnybrook Court (Rte 1545) Length: 0.03 mile

Guaranteed right-of-way width: 50 feet.

Plat Recorded, Date: May 26, 2000 Deed Book: 1816 Page: 215

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Mr. Paxton noted that he recently met with Mr. Komara to discuss the Revenue Sharing funds which will be available to the County in the coming year. He noted that the three projects requested for the County are previous commitments - Route 644, Resort Drive; Bridgewater Bypass; and Route 820 in the Bergton area. Formal Board action will be scheduled for a future meeting.

In response to a question from Supervisor Kyger, Mr. Komara advised that the sensors for Route 257 would be completed on this date.

Supervisor Kyger advised that the runoff seems to be draining into the subdivision where the drainage slopes on Route 257 at the entrance to the Countryside Subdivision. Mr. Komara will investigate.

Supervisor Ahrend thanked Mr. Komara and his staff for the work that has been accomplished in District 2.

Supervisor Breeden asked about the progress on Island Ford Road and Route 340. Mr. Komara will give him a report at the next meeting

Supervisor Floyd thanked Mr. Komara and his staff for the work that has been accomplished in District 3.

Chairman Cuevas made a suggestion for safety improvements when there is a box, pipe or angle in the road, to have the reflectors visible on both sides, from both directions.

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#### **COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. Paxton's staff report dated January 7, 2005, including information concerning the Comprehensive Services Act, the Radio Communications System, Medevac service, proposed educational and training facility at the Technological and Industrial Park, VDOT Revenue Sharing Program, and proposed extension of transit service within Metropolitan Planning Organization service area. He noted that, before this proposal is brought to the Board, a comprehensive review of present service will be necessary in order to avoid overlapping service.

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**COUNTY ATTORNEY'S STAFF REPORT.**

The Board received and reviewed Mr. Brown's staff report dated January 7, 2005, including information concerning two contracts for Board approval.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following formal Annexation Agreement Amendment between the Board of Supervisors and the Town of Elkton (a more formal version of the letter the Board approved at the meeting in December).

**THE COUNTY OF ROCKINGHAM  
AND THE TOWN OF ELKTON**

**ANNEXATION AGREEMENT AMENDMENT**

**THIS AMENDMENT** is made and entered into this 21<sup>st</sup> day of December, 2004, by and between Rockingham County, Virginia, a political subdivision of the Commonwealth of Virginia ("County"), and the Town of Elkton, Virginia, a municipal corporation of the Commonwealth of Virginia ("Town").

**RECITALS:**

A. On May 6, 2003, the County and the Town entered into an Annexation Agreement setting forth the rights and obligations of the parties with regard to the Town's annexation of land located in Phase IA, Phase IB, Phase IC, Phase ID, and Phase II as described in the Annexation Agreement.

B. The Annexation Agreement required the Town to meet certain deadlines for providing water and sewer services. The Town and the County desire to revise certain of those deadlines.

C. The parties now desire to enter into an Amendment to the Annexation Agreement and agree as follows:

1. Section 6 of the Annexation Agreement dated December 17, 2003 between the County and the Town is amended to read as follows:

6. **Extension of Services.** Except as hereafter provided, the Town commits itself to extend water and sewer services to the property lines of all property owners, including residential, commercial and industrial, in any annexed area in accordance with then existing policies of the Town, such extension of water and sewer services to be concluded within five (5) years from the date of annexation if those services are needed or if they are requested by property owners.

Due to the high cost of extending water and sewer services to the area designated as Phase ID on the attached plat, the Town shall have an additional year to extend water and sewer services to the property lines of all

property owners, including residential, commercial and industrial in said Phase ID. Notwithstanding any provision in this Agreement to the contrary, the Town commits itself to complete the extension of water and sewer services within six (6) years from the date of annexation to the property line of all property owners in Phase ID.

Blackwell Engineering, PLC has prepared a Phasing Plan dated December 10, 2004 for constructing water and sewer lines for Phase ID. The Phasing Plan designates five (5) different phases for providing water and sewer to Phase ID, with Phase 1 designated in red. The Town agrees to issue a request for bid for construction of water and sewer lines and services for a minimum of Phase 1 as outlined on the Phasing Plan no later than December 31, 2004.

The Town shall award a bid for construction of the Phase 1 water and sewer lines and such construction will begin no later than April 15, 2005. Phases 2 through 5 as shown on the Phasing Plan shall be completed within six (6) years of the date of initial annexation (January 1, 2004), as required by the Annexation Agreement.

If the Town fails to issue a request for bid by December 31, 2004, or construction on Phase 1 water and sewer lines does not begin by April 15, 2005, a sum equal to all taxes, including real estate, personal property, BPOL, and meals taxes assessed by the Town of Elkton on that property located in Annexation Phase II will be paid by the Town to Rockingham County. At the County's option, such amount may be offset against the outstanding balance of the \$250,000 grant to be provided by Rockingham County to the Town in connection with the water and sewer services.

All other provisions of the Annexation Agreement shall remain in full force and effect.

**WITNESS** the following signatures and seals:

**COUNTY OF ROCKINGHAM**

By \_\_\_\_\_  
Chairman, Board of Supervisors

*ATTEST:*

\_\_\_\_\_  
County Administrator

**TOWN OF ELKTON**

By \_\_\_\_\_  
Mayor

*ATTEST:*

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Clerk

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On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board awarded a contract for janitorial supplies to the low bidder, Daycon Cleaning & Maintenance Supplies with the Invitation to Bid and the response by the winning bidder constituting the contract. Rockingham County received two bids for custodial supplies, Zep and Daycon. The estimated totals are: Zep \$2,889.85 and Daycon \$2,622.71. Zep did not list 19 items included on the bid list.

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#### **DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. King's staff report dated January 7, 2005, concerning stream repairs, the Technological and Industrial Park, and the 2005 Fiscal Impact Statement process to be provided to the Commission on Local Government during this year's Legislative Session.

He reported that the County is eligible for funding by the U.S. Natural Resources Conservation Service (NRCS) for stream work along Naked Creek, Germany River and Dry Run/Dry River, with the local share to be split 50/50 with Page County. He noted that the State will fund 20% for Page and 19% for Rockingham, with Rockingham County's share to be approximately \$23,000 for about \$370,000 in stream work.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board:

1. Agreed that Rockingham County will serve as the lead for the larger Naked Creek Project and allow Page to serve as the lead for the other, smaller debris-removal projects. Noted that Rockingham prefers to handle the projects using local contracting and that there are no sites to be dropped from the list.
2. Authorized the County Administrator to execute the required agreement(s) with the NRCS and Page County, subject to any agreements being reviewed and approved by the County Attorney. Funds for this project are to come from the General Fund balance. Staff will come back to the Board with specific construction costs once bids have been received.



Chairman Cuevas asked that staff continue to seek other grants and funding sources to fund other County projects.

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**FINANCE DIRECTOR'S STAFF REPORT.**

On motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following Finance Committee recommendations:

As requested by the Sheriff, approved a supplemental appropriation in the amount of \$7,950 on behalf of the Sheriff's Department - insurance proceeds received for the total loss of a 2000 Ford Crown Victoria less the deductible. The proceeds will be used for a replacement vehicle.

Supplemental Appropriation: \$7,950      GL Code: 001-03102-000-8005-000  
(Vehicles)

As requested by the Social Services Director, approved supplemental appropriations in the amount of \$65,317 (\$21,772 for Rockingham County and \$43,545 for Harrisonburg City) for the remainder of this fiscal year. These funds are for a program named PRIDE "Personal Responsibility & Independence Derived from Employment", and are entirely federal funded requiring no local match.

Supplemental Appropriation: \$65,317

\$21,772	GL Code: 220-05302-100-5744-000 TANF (Temporary Assistance for Needy Families) County
\$43,545	GL Code: 220-05302-200-5744-000 TANF (Temporary Assistance for Needy Families) City

As requested by the Social Services Department, approved a supplemental appropriation in the amount of \$313,812 for Aid to Families with Dependent Children, Adoption Subsidy, and Special Needs Adoption. These funds are 100% Federal and State funded, requiring no local match.

Supplemental Appropriation: \$ 313,812

\$262,503	GL Code: 220-05302-200-5705-000	(AFDC-Foster Care)
\$ 22,581	GL Code: 220-05302-200-5721-000	(Adoption Subsidy)
\$ 28,728	GL Code: 220-05302-200-5735-000	(Special Needs Adoption)

As requested by the Social Services Director, approved a supplemental appropriation for another grant in the amount of \$425,041 for Aid to Families with Dependent Children and Special Needs Adoption. These funds are 100% Federal and State funded, requiring no local match.

**Supplemental Appropriation: \$ 425,041**

\$392,995	GL Code: 220-05302-100-5705-000	(AFDC-Foster Care)
\$ 32,046	GL Code: 220-05302-100-5735-000	(Special Needs Adoption)

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**PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Ms. Hoover's staff report dated January 7, 2005, including information concerning progress on the Countryside water system; Penn Laird Drive and Water Tower Road sewer; Lakewood/Massanetta Springs pump station, Spotswood High School water tank and water line, Grottoes container site, Water/Sewer specifications, McGaheysville WWTP, and City of Harrisonburg Waste-To-Energy Plant.

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**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Vaughn's staff report dated January 7, 2005, including information concerning Planning Commission activities, the McGaheysville Area Comprehensive Plan, proposed ordinances dealing with produce auctions and domestic animals in RR-1 zoning districts, BZA appointment, priority projects under way and summary of upcoming requests.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board recommended the reappointment of D.K. Patterson, Jr., by the Circuit Court, to another five-year term on the Board of Zoning Appeals.

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**INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. O'Byrne's staff report dated January 6, 2005, concerning projects for Microsoft Office 2003 installations, the ICHRIS software, Wide Area Network connectivity upgrade and Eden Gold Financial Software quarterly release; equipment for domain controller and exchange replacement servers and VCIN Computer replacement.

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**FIRE & RESCUE DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Chief Symons' staff report dated January 4, 2005, concerning training, prevention division activities, and public education.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution 05-03 concerning upgrade of Grottoes Volunteer Fire Department's Emergency Medical Services license.

**RESOLUTION NO. 05-03**

WHEREAS, Grottoes Volunteer Fire Company desires to offer Advanced Life Support/Transport services to residents and visitors of Rockingham County, Virginia; and

WHEREAS, the public safety of residents and visitors of Rockingham County may be enhanced by the provision of Advanced Life Support/Transport by Emergency Medical Technicians; and

WHEREAS, the provision of such services will be under the medical control of an Operation Medical Director who is a licensed physician in the Commonwealth of Virginia; and

WHEREAS, the Rules and Regulations Governing Emergency Medical Services established by the State Board of Health require endorsement of the governing body for an agency to provide such services.

NOW, THEREFORE, BE IT RESOLVED, that the Rockingham County Board of Supervisors does hereby endorse the provision of Advanced Life Support/Transport services by the Grottoes Volunteer Fire Company.

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**RECREATION AND FACILITIES DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Eberly's staff report dated January 7, 2005, concerning Facilities and Recreation programs.

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**COMMITTEE REPORTS.**

The Board heard Committee Reports by Board members and staff.

Chairman Cuevas asked staff to prepare a resolution of concern for the manner in which funding for the needs of the Chesapeake Bay are being addressed, and stating the Board's opposition to the "flush tax," (a proposition to charge each household with a septic system a \$1.00 a month fee) which has been proposed.

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**RESOLUTION NO. 05-02 HONORING JAMES MADISON UNIVERSITY 2004 NCAA DIVISION IAA NATIONAL CHAMPIONS.**

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-02 honoring James Madison University 2004 NCAA Division IAA National Champions. Chairman Cuevas presented a copy to Mickey Matthews, Coach.

**RESOLUTION NO. 05-2 HONORING  
2004 JAMES MADISON UNIVERSITY DUKES FOOTBALL TEAM**

**WHEREAS**, in 1972, then President Ronald Carrier and Athletic Director Dean Ehlers, with the approval of the Madison College Board of Visitors, established the Madison College (now James Madison University) Dukes football program to compete in the National Collegiate Athletic Association (NCAA) College Division; and,

**WHEREAS**, in 1979, James Madison University began to transition its NCAA football program from the College Division (now Division III) to Division I-AA and, since that time, has participated in the post-season championships in 1987, 1991, 1994, 1995, 1999 and 2004, compiling an overall record of 150-134-2 while competing in Division I-AA; and,

**WHEREAS**, in 1999, James Madison University, employed Mickey Matthews to be head football coach for the Dukes; and,

**WHEREAS**, in that year Matthews took a team that had won only 5 of its previous 18 games, and that was predicted to

finish next-to-last in the Atlantic 10 Conference, and led them to the NCAA Division I-AA playoffs, and was later named National Coach of the Year in Division I-AA; and,

**WHEREAS**, in 2004, the JMU Dukes were picked to finish fourth in the Southern Division of the Atlantic 10; and,

**WHEREAS**, this team, under the tutelage of Coach Matthews and the JMU football coaching staff, surpassed all expectations by finishing first in the Atlantic 10 Conference with a record of 7-1, losing only to fellow conference tri-champion, the College of William & Mary, and by finishing with an overall record of 13-2; and,

**WHEREAS**, the team accomplished a feat never before achieved in NCAA football championship history by winning all of its playoff games away from home, besting Lehigh in Pennsylvania, Furman in South Carolina and gaining revenge against William & Mary in Williamsburg to qualify for the Championship game on December 17, 2004 in Chattanooga, Tennessee; and,

**WHEREAS**, on that night in Tennessee, the James Madison University Dukes football team defeated the Montana Grizzlies 31-21 in a hard fought but convincing victory to become NCAA Division I-AA National Champions, the first team from the Commonwealth of Virginia to win a national championship in college football.

**NOW THEREFORE BE IT RESOLVED** that the Board of Supervisors of Rockingham County, Virginia, acting as a body, does hereby congratulate James Madison University, its team, coaches, administration, faculty, staff, students and alumni, on this outstanding accomplishment, as it brings honor and esteem to the Commonwealth, the University and this community; and

**BE IT FURTHER RESOLVED** that the Board calls upon the Commonwealth and this community to join it in congratulating this outstanding team.

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**RECESS FOR DINNER.**

At 4:30 p.m., Chairman Cuevas recessed the meeting for dinner.

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**PUBLIC HEARING - SPECIAL USE PERMIT REQUESTS.**

At 7:00 p.m., Chairman Cuevas declared the meeting open for a Public Hearing on the following special use permit requests.

S05-01, request of Richard K. & Kay G. Early, 5379 Klines Mill Road, Linville, for occasional catering and banquet events on-site and on-site food preparation for catering off-site on property located on the east side of Klines Mill Road (Route 784) approximately 9/10 mile west of Harpine Highway (Route 42) in Linville Magisterial District, Election District #2, zoned A-1. Tax Map #64-(A)-40D.

Ms. Early gave Board members photographs and maps of her property. She stated that she owned Early Catering Company in Harrisonburg and that her reputation was very good. She said her food was prepared at the Harrisonburg location and catered off-site. She described the need for a more rural, relaxed atmosphere for wedding receptions and other such events and told the Board that the location of her home was the ideal setting for such a use. She described the layout of the property and structures and noted that it would be used two or three times a month.

Marge Nassinger, neighbor, said she had lived at her home for 12 years. She advised that she lived in "full hearing and sight of the Early property" and had never encountered any problem with the events held at that site. She said traffic had not been a problem and voiced her approval of the proposed use.

Steven Blatt, representing Lou and Evelyn Van Der Eems, neighbors, spoke in opposition. He advised that a permit was issued several years ago for no more than six guests. He reported that the events being held at the site were so large that "port-a-potties" had to be brought in. He said the concerns were for putting a "commercial" use in an A1 District, the present use of the property for large events, the full "commercial" kitchen in the house, a "restaurant in the home," renovation of the barn for commercial use which has already been completed without permits, noise and traffic, possible "spot zoning," and setting a precedent for other such uses. He said a petition in opposition had been signed by all except one neighbor.

Louis Van Der Eems complained that the banquet room had been increased and the activities had increased. He noted that noise and traffic were "major concerns."

Ms. Early said there was "absolutely no commercial kitchen" in her house, only "regular household appliances. She said the original request was for a bed and breakfast that was never used. She said she had never had a port-a-pottie on her property. She said the only "barn renovation" done was to put in a workshop for her husband's hobbies. She said she had never hosted a party for more than 30 to 50 people.

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S05-02, request of Wilson & Betty Rohrer Joint Revocable Trust, 415 Circle R Lane, Hinton, for construction of horse stables and storage barns in an existing poultry house on property located at the dead-end of Circle R Lane (private road) approximately 1/2 mile northeast of Rawley Pike (Route 33) in Central Magisterial District, Election District #2, zoned A-2. Tax Map #91-(A)-26A.

Mr. Rohrer said the use would help to pay his taxes and he was not aware of any complaints.

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Chairman Cuevas closed the public hearing and called the regular session back to order at 7:50 p.m.

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Supervisor Ahrend said he thought the Board should visit the Early site. On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled S05-01, request of Richard K. & Kay G. Early, 5379 Klines Mill Road, Linville, for occasional catering and banquet events on-site and on-site food preparation for catering off-site.

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On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-02, request of Wilson & Betty Rohrer Joint Revocable Trust, 415 Circle R Lane, Hinton, for construction of horse stables and storage barns in an existing poultry house on property located at the dead-end of Circle R Lane (private road) approximately 1/2 mile northeast of Rawley Pike (Route 33) in Central Magisterial District, Election District #2, zoned A-2. Tax Map #91-(A)-26A.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Alterations to the building shall comply with the Virginia Uniform Statewide Building Code and a change of use building permit shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community

Development and no work shall be done on the property until such time as a site plan is approved.

- (5) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (6) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (7) Off-street parking shall comply with the Rockingham County Code.
- (8) All work shall be done inside the building, and there shall be no accumulation of materials or debris permitted on the property.
- (9) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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**PUBLIC HEARING AND APPROVAL OF BUDGET AMENDMENT TO PROVIDE FUNDS PREVIOUSLY APPROVED BY THE BOARD FOR THE NEW COUNTY/CITY 911 RESPONSE COMMUNICATIONS SYSTEM.**

At 7:51 p.m., Chairman Cuevas declared the meeting open for a Public Hearing on a proposed amendment to the FY2004-05 Budget for \$4,000,000 for the County's cost related to the acquisition of a new communications system which is part of the County/City 911 Response System. This amendment would provide funds for project costs expected to be expended prior to June 30, 2005.

There were no requests to speak and Chairman Cuevas closed the public hearing and called the Regular Meeting back to order at 7:53 p.m.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board amended the FY2004-2005 budget by the addition of the following revenues and expenditures, and appropriated said revenues and expenditures, as follows:

**E-911 Emergency Fund**

Revenue:	
Revenue from the Federal Government	\$ 700,000
Proceeds from Indebtedness	<u>\$3,300,000</u>
	\$4,000,000
Expenditure:	
E-911 Fund	<u>\$4,000,000</u>
	\$4,000,000

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**INFORMATION ITEMS.**

The Board received the following Information Items.

- a. VDOT report on changes to the Secondary System of State Highways in the County in November 2004.
- b. Monthly Water Report to State Health Department for November 2004.
- c. Rent/Lease Payments Report for December 2004.
- d. Annual Report for 2004 for the Rockingham-Harrisonburg Alcohol Safety Action Program (ASAP).

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**ADJOURNMENT.**

By consensus, the Board adjourned the meeting at 7:55 p.m.

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Chairman